

In the Drawings

Figures 1 and 2 have been amended, wherein reference number 122 referring to the rear end of the secondary tube was added to Fig. 1, and reference numbers 112, 121 and 201 referring respectively to a front end of the primary tube, a front end of the secondary tube and a rear end of the back plate were added to Fig. 2.

REMARKS

Summary of the Amendment

Upon entry of the above amendment, claims 1 and 2 will remain pending, with no amendments having been made to the claims.

Summary of the Official Action

In the instant Office Action, the Examiner acknowledged receipt of a certified copy of the priority document, objected to the drawings, objected to the specification, rejected claims 1 and 2 as being unpatentable under 35 U.S.C. 103(a) and rejected claims 1 and 2 under the judicially created doctrine of obviousness-type double patenting.

By the present amendment and remarks, Applicant submits that the rejections and objections have been rendered moot, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

OBJECTION TO DRAWINGS

The Examiner objected to the drawings under 37 CFR 1.83(a) on the basis that the primary tube front end, the secondary tube rear end and the back plate rear end, front end and side edge, as claimed in claim 1 must be shown.

Figures 1 and 2 have been amended to add reference numbers 112, 121, 122 and 201

referring respectively to a front end of the primary tube, a front end of the secondary tube, a rear end of the secondary tube and a rear end of the back plate. With the amendment to the drawings, Applicant believes that the objections to the drawings under 37 CFR 1.83(a) have been rendered moot. Accordingly, withdrawal of the objection to the drawings is requested.

OBJECTION TO THE SPECIFICATION

The Examiner objected to the Specification on the basis that some numerals correspond to different elements throughout the Specification. Element 21 was identified specifically as describing both “an extended tongue” and “a tip”.

By this Amendment, changes were made in the Specification to render moot the Examiner’s objection. Accordingly, withdrawal of the objection to the Specification is requested.

REJECTION UNDER 35 U.S.C. 103(a)

Claims 1 and 2 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,012,452 to Pagan (PAGAN) in view of U.S. patent 4,509,514 to Brain (BRAIN). The Examiner considered it obvious to modify the mask of PAGAN by adding an inflation balloon inline with the air line connector because BRAIN assertedly taught utilization of an inflation balloon to indicate proper functioning of the system by passing air through the

airline to the mask for inflation.

The above-noted rejection is respectfully traversed. Neither PAGAN nor BRAIN discloses a tongue extending out from and rising relative to the front end of a back plate. PAGAN discloses a small projecting tip 22 extending from and parallel with the front end of a plate 20, but the projecting tip 22 does not rise relative to the plate 20. Furthermore, BRAIN also does not disclose a rising extending tongue formed on the front end of a back plate as described in claim 1 of the present application.

With the rising extended tongue of as recited in the present application, the tongue will press the laryngeal mask to guide and easily insert the laryngeal mask airway into a patient, and the front end of the inflatable body will not fold over easily. Neither PAGAN nor BRAIN can achieve the rising extended tongue function as recited in claim 1 of the present application. Since neither document discloses this claimed feature, there is nothing in the applied prior art to suggest the claimed modification. Thus, there would be no motivation for one skilled in the art to make the modification suggested by the Examiner. For this reason, claim 1 is believed to be allowable.

Additionally, claim 2 calls for an extended tongue of the back plate rising at about 7 degrees. This feature, in combination with the recitation in claim 1, is not taught by the references of record.

Withdrawal of the rejection of claims 1 and 2 as being unpatentable over PAGAN and

BRAIN is requested.

DOUBLE PATENTING REJECTION

Claims 1 and 2 were further rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 3-8 of U.S. patent 6,012,452.

The above-noted rejection is respectfully traversed. U.S. patent 6,012,452 was issued to PAGAN, and is not commonly owned with the present application. Furthermore, claims 1 and 3-8 of PAGAN do not overlap with claims 1 and 2 of the present application. Thus, the double patenting rejection is entirely improper.

The closest cited prior art that is commonly owned with the present application is U.S. patent 6,705,322. It is not clear if the Examiner intended to reject claims 1 and 2 of the present application over the claims of U.S. patent 6,705,322. While Applicant does not acquiesce that the claims in U.S. patent 6,705,322 overlap with the claims of the present application, in order to expedite allowance of the present application, Applicant would be willing to file a terminal disclaimer disclaiming the term of any patent granted from the present application that would extend beyond the full statutory term of U.S. patent 6,705,322.

In the event that this Response renders the application allowable, except for a requirement for a terminal disclaimer, the Examiner is urged to call the undersigned at the number below.

Accordingly, withdrawal of the double patenting rejection is requested.

CONCLUSION

In view of the foregoing, it is submitted that the objections have been rendered moot and that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious Applicant's invention, as recited in each of claims 1 and 2. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Please charge any fees necessary for consideration of the papers filed herein and refund excess payments to Deposit Account No. 50-2929.

Should the Examiner have any questions, the undersigned may be contacted at the below-listed telephone number.

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